***THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

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WRIT PETITION NO.18237 OF 2005

% 21.10.2005

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Between:

Ch.Soumya Raj

... PETITIONER

AND

The NTR University of Health Sciences, Vijayawada & others.

...RESPONDENTS

! COUNSEL FOR THE PETITIONER: Sri G.Vidya Sagar

^ COUNSEL FOR THE RESPONDENT Nos.1&2: Sri D.Nagarjuna Babu, Standing Counsel

< Gist:

> Head Note:

? CITATIONS:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.18237 OF 2005

Dated 21st October 2005

Between:

Ch.Soumya Raj D/o.Ch.Satyanarayana Raju

…Petitioner

And

The NTR University of Health Sciences,

Rep.by its Registrar, & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18237 OF 2005

O R D E R:

The petitioner challenges the action of the respondents in not selecting her for admission into I-year MBBS, against a seat reserved in favour of NCC candidates. According to her, she is entitled to be placed in Priority-II of Appendix-III, to the prospectus, and that the respondents have placed her under Priority-III, contrary to the relevant provisions.

The Government of Andhra Pradesh reserved 0.25% of seats, in favour of candidates, who have accomplishments in their favour in NCC. The petitioner appeared in the entrance examination, held for the purpose of selection of candidates for Medical, Engineering and Agricultural courses, and secured the rank of 34939. The third respondent also appeared in the same examination and secured a rank, which is inferior to that of the petitioner. Both of them were not selected in the regular admissions, and they made their claim for being considered for admission into seats reserved in favour of NCC candidates.

The petitioner passed “B” Certificate examination, held by the Directorate of NCC, in the year 2004. She has also participated in the Republic Day Camp held at New Delhi, between 1st and
29th January 2005. The third respondent was also issued certain certificates, on account of her accomplishments in the NCC.

In the prospectus issued to the candidates, the priorities for selecting the candidates in the NCC category were indicated in Appendix-III. Three priorities are provided for, depending upon the level of participation and nature of certificates secured by the candidates. A note was added to the appendix, which is to the effect that the priority would be decided, only on the basis of the certificates obtained by a candidate, before appearing in a qualifying examination. The petitioner appeared in the qualifying examination in the year 2004. While the “B” Certificate obtained by her was before she appeared in the qualifying examination, her participation in the Republic Day Camp at New Delhi was subsequent thereto. In case of third respondent, all the certificates were secured before she appeared in the qualifying examination.

Learned counsel for the petitioner submits the note appended to the prospectus applies only to B & A certificates, and not to the participation in the Republic Day Camp, and as such, the petitioner ought to have been placed in Priority-II. He contends that if the certificate issued to the petitioner is taken into account, the petitioner would stand on a better footing, than the third respondent.

Learned Standing Counsel for the respondents 1 and 2 submits that the very object of appending a note was to ensure that the benefit of reservation is extended only to those candidates, who have accomplishments to their credit, before they appeared in the qualifying examination. He contends that permitting the candidates to acquire such qualifications, after the qualifying examination, would become counterproductive.

The controversy in this case turns around the interpretation to be placed on a note incorporated in Appendix-III, which shows prioritization of the NCC candidates. It reads as under:

> "1) Priority will be considered in B and A Certificates only attained prior to appearing in the qualifying exam."

It is not in dispute that the petitioner obtained "B" Certificate, before she passed the qualifying examination. She secured a certificate of participation in the Republic Day Camp at New Delhi, after she passed Intermediate. It is true that the note refers to B & A certificates, and mandates that such certificates would be considered, if only they were secured before appearing in the qualifying examination. However, the non-reference to a certificate of participation is more on account of lack of any title to it, than as a measure of exemption. If the rule making authority was clear in its mind that accomplishments in NCC, after the qualifying examination, cannot be taken into consideration, there is a valid rationale behind the same. Basically, it is the qualifying examination i.e. Intermediate, determining the factor for the purpose of admission into a superior course. The entrance examination is conducted for the purpose of filtering the candidates, where the seats are limited. If the accomplishments of candidates in Sports, NCC, etc, acquired after the qualifying examination, are to be taken into

account, there may be situations where the candidates, who are not able to make any headway in the admissions, concentrate in such events in the subsequent years and get admissions, against the seats reserved for the respective categories. It needs to be kept in mind that the benefit of reservation for the respective categories, referred to above, is provided, as a measure of recognition of excellence in such fields, along with the studies, and not as an exclusive avocation. Therefore, the plea advanced on behalf of the petitioner cannot be accepted.

The record discloses that while the third respondent was eligible to be placed in Priority-II, on the basis of her certificates acquired before she appeared in the qualifying examination, the petitioner was eligible to be placed in Priority-III. Therefore, no exception can be taken to the action of the respondents.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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21st October 2005

Note: L.R.Copies be marked.

(B/o)

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